

98TH CONGRESS
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H. R. 3942

To provide for commercialization of expendable launch vehicles and associated services.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 1983

Mr. AKAKA (for himself, Mr. FUQUA, Mr. VOLKMER, Mr. LUJAN, Mr. NELSON of Florida, Mr. LOWERY of California, Mr. BROWN of California, Mr. CHANDLER, Mr. ANDREWS of Texas, Mr. BATEMAN, Mr. RALPH M. HALL, Mr. WALKER, Mr. DYMALLY, Mr. MINETA, Mr. MACKAY, Mr. TORRICELLI, Mr. McGRATH, Mr. SCHEUER, Mr. YOUNG of Missouri, and Mr. GORE) introduced the following bill; which was referred to the Committee on Science and Technology

A BILL

To provide for commercialization of expendable launch vehicles and associated services.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Expendable Launch Ve-
4 hicle Commercialization Act".

5

FINDINGS AND PURPOSE

6 SEC. 2. (a) FINDINGS.—The Congress finds and de-
7 clares that—

1 (1) the peaceful uses of outer space continue to be
2 of great value and to offer benefits to all mankind;

3 (2) civilian applications of space technology have
4 achieved a significant level of commercial and econom-
5 ic activity, and offer the potential for growth in the
6 future, particularly in the United States;

7 (3) new and innovative equipment and services
8 are being sought, created, and offered by entrepreneurs
9 in telecommunications, information services, and
10 remote sensing technology;

11 (4) the private sector in the United States has the
12 capability of developing and providing private satellite
13 launching and associated services that would supple-
14 ment the launching and associated services now availa-
15 ble from the United States Government;

16 (5) the development of commercial expendable
17 launch vehicles and associated services would enable
18 the United States to retain its competitive position vis-
19 a-vis the same classes of foreign launch vehicles, there-
20 by contributing to the national interest and economic
21 well-being of the United States;

22 (6) commercial provision of such services is not
23 inconsistent with the national security interests of the
24 United States; and

1 in outer space, or in nonearth orbit in outer space, by
2 means of a launch vehicle;

3 (2) "launch site" is the location from which the
4 launch takes place;

5 (3) "launch vehicle" means any system or systems
6 constructed for the purpose of launching a space object,
7 but does not include the payload;

8 (4) "license" means a license issued by the United
9 States Government to authorize the launch of a non-
10 Government space object;

11 (5) "payload" means an object which an applicant
12 undertakes to launch, including subcomponents of the
13 launch vehicle specifically designed or adapted for that
14 particular payload, but excluding all other parts or
15 components of the launch vehicle;

16 (6) "person" means an individual or entity, other
17 than an agency or department of the United States
18 Government and other than contractors and subcon-
19 tractors acting on behalf of any such agency or depart-
20 ment;

21 (7) "Secretary" means the Secretary of Com-
22 merce; and

23 (8) "space object" means any object constructed
24 for launching or operating in space, and includes com-
25 ponent parts of such object as well as its launch vehi-

1 cle and parts thereof and the payload, if any, and parts
2 thereof.

3 CENTRALIZED RESPONSIBILITY AND AUTHORITY

4 SEC. 4. (a) The Secretary shall be responsible for carry-
5 ing out the provisions of this Act, unless otherwise specified.

6 (b) The Secretary shall designate within the Department
7 of Commerce a primary point of contact for receiving, proc-
8 essing, and validating applications for a license under this
9 Act. Such primary point of contact shall coordinate and facili-
10 tate all Federal actions pertinent to private sector space
11 launches.

12 (c) In support of non-Government space launches, the
13 Secretary shall, as appropriate, coordinate the availability of
14 Government launch property and services on an "added-
15 cost" or lease basis and facilitate the use of Government tool-
16 ing and designs without seeking to recoup sunk development
17 costs.

18 LICENSING FOR LAUNCHING OF SPACE OBJECTS

19 SEC. 5. (a) IN GENERAL.—(1) Except as provided in
20 section 9(b), no person may launch a space object from the
21 territory of the United States, and no person who is a nation-
22 al of the United States may launch a space object from inter-
23 national waters or air space, except in accordance with a
24 license issued under this section. Any person violating this
25 subsection shall, upon conviction, be subject to a fine of up to

1 \$1,000,000 per violation and up to five years in prison or
2 both.

3 (2) Except for licenses issued under this Act or under
4 the Federal Communications Act of 1934, no license, ap-
5 proval, waiver, or exemption need be obtained from any Fed-
6 eral agency before launching a space object.

7 (b) AUTHORITY.—The Secretary shall, upon application
8 and in accordance with the provisions of this Act, issue li-
9 censes for a launch or launches of space objects.

10 (c) CONDITIONS.—The Secretary shall issue a license
11 under subsection (b) only if the Secretary—

12 (1) receives assurances from the applicant suffi-
13 cient to convince the Secretary that the applicant will
14 meet the liability insurance requirements of section 6 of
15 this Act;

16 (2) determines that the proposed launch vehicles,
17 space objects, and launch and tracking facilities satisfy
18 public safety and national security requirements;

19 (3) determines, in consultation with appropriate
20 Federal agencies, that the applicant would qualify for
21 any license, approval, waiver, or exemption with re-
22 spect to space object launches required to be obtained
23 under Federal law in effect before the date of enact-
24 ment of this Act, if such license, approval, waiver, or
25 exemption were still required; and

1 (4) determines that there is reasonable assurance
2 that the obligations of the United States under interna-
3 tional treaties and agreements affecting outer space
4 will continue to be met.

5 (d) PROCEDURE.—(1) Any person may file with the
6 Secretary an application for a license to launch a space
7 object. Such application shall be filed not later than one hun-
8 dred and eighty days before the first proposed launch. The
9 application shall contain the following information:

10 (A) The name and address of the owner or owners
11 of the proposed space objects.

12 (B) The proposed launch site or sites.

13 (C) The proposed trajectories of the launches and
14 proposed orbital parameters.

15 (D) A description of the space objects.

16 (E) The proposed and reasonable alternative
17 launch dates and times.

18 (F) Potential safety and environmental hazards as-
19 sociated with any proposed launch.

20 (G) Procedures intended to be employed for pro-
21 tecting the public safety with respect to the proposed
22 launches.

23 (H) Such minimum additional information deter-
24 mined to be required by the Secretary.

1 (2)(A) The applicant must notify the Secretary of any
2 substantial changes of material fact with respect to an appli-
3 cation when such changes are known and occur prior to the
4 launch.

5 (B) Any information submitted by an applicant under
6 this subsection which is labeled as proprietary by the appli-
7 cant shall not be disclosed to the public.

8 (3) Within ninety days after the filing referred to in
9 paragraph (1), the Secretary shall act either to issue, deny
10 permanently, or deny temporarily a license to carry out the
11 activities requested by the applicant. The Secretary shall fur-
12 nish a written report setting forth the basis of such action,
13 including, in the event of a license denial, a discussion of
14 alternative arrangements which would mitigate the reasons
15 for denial.

16 (4) Any applicant whose application is denied, or is ap-
17 proved with conditions unacceptable to such applicant, under
18 paragraph (3) may file a petition with the Secretary within
19 ten days after such action for reconsideration of such action.
20 Within thirty days after the filing of any such petition for
21 reconsideration, the Secretary shall hold a public hearing on
22 the record to consider the issues raised in the petition. Peti-
23 tioners shall have a reasonable opportunity at such hearing to
24 present their views, to present evidence, including docu-
25 ments, depositions and oral testimony, and to examine wit-

1 nesses. Within thirty days after such hearing, the Secretary
2 shall enter a final order granting or denying the license.

3 (5) Subsequent to a final order under paragraph (4), the
4 petitioner may seek judicial review in the United States dis-
5 trict court whose jurisdiction includes the location of the pro-
6 posed launch site, or in the district in which the petitioner
7 resides or may be found or is incorporated.

8 LIABILITY INSURANCE

9 SEC. 6. (a) Before launching any space object, the appli-
10 cant must obtain liability insurance from a financially respon-
11 sible source which is sufficient to cover all reasonable risks
12 associated with such launch and subsequent space operations.

13 (b) In accordance with the provisions of section 9 of this
14 Act, the Secretary shall issue regulations setting forth the
15 levels of insurance coverage sufficient to satisfy the require-
16 ments of subsection (a).

17 SUSPENSION OR REVOCATION OF A LICENSE

18 SEC. 7. Whenever a licensee fails to comply with any
19 applicable provision of this Act, or any applicable rule, regu-
20 lation, restriction, or condition issued or imposed by the Sec-
21 retary under this Act, the Secretary may suspend or, if the
22 failure to comply is knowing and continues for a period of
23 thirty days after the Secretary, by registered letter, mails
24 notification of such failure to the licensee at its recorded post
25 office address, revoke a license issued under this Act.

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EXCLUSIONS

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2 SEC. 8. The provisions of this Act shall not apply to any
3 launch of a space object authorized by or on behalf of the
4 United States Government.

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REGULATIONS

6 SEC. 9. (a) The Secretary shall, as soon as practicable
7 but not later than one hundred and eighty days after the date
8 of the enactment of this Act, issue regulations implementing
9 the provisions of this Act. Such regulations shall be only
10 those reasonably necessary to implement this Act.

11 (b) Pending the issuance of regulations under subsection
12 (a), the Secretary shall make provisions to permit launches by
13 private sector entities by granting interim permits to those
14 entities that the Secretary determines will conform to the
15 provisions of this Act.

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